THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No.1661 of 2005

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Date: 19-09-2005

Between:

B.Nagaraju and others …Appellants

And

The Executive Engineer and others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No.1661 of 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

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Heard learned counsel for the parties.

The controversy is whether the appellants are cultivating their paddy crops by using the water drawn from the canal. As according to learned Government Pleader for Irrigation, the appellants are not entitled to draw water from the canal for the purpose of paddy cultivation, which is even conceded by learned counsel for the appellants. But, the appellants submit that they are cultivating the lands by drawing water from their own bore wells. Learned Government Pleader has no objection if the appellants can cultivate their paddy crops by using their own source of water i.e. the bore wells, but they cannot be allowed to draw water from the canal, which is also accepted by learned counsel for the appellants.

In these circumstances, we dispose of the writ appeal directing the appellants not to use the water from the canal for paddy cultivation and in case they cultivate the land, they may cultivate it with the help of private source of water i.e. bore wells. We also direct that the State would be at liberty to stop the appellants from using the canal water for the purpose of paddy cultivation. No order as to costs.

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(Bilal Nazki, ACJ)

19th September, 2005

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(R.Subhash Reddy,J)

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